

1 SENATE BILL NO. 1362

2 AMENDMENT IN THE NATURE OF A SUBSTITUTE

3 (Proposed by the House Committee on Health, Welfare and Institutions

4 on _____)

5 (Patron Prior to Substitute--Senator Lewis)

6 A BILL to require employers to report outbreaks of COVID-19.

7 **Be it enacted by the General Assembly of Virginia:**

8 1. § 1. Upon determining, on the basis of COVID-19 outbreak information that employers are required to
9 provide to the State Department of Health (the Department) pursuant to the Emergency Temporary
10 Standard, Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19, promulgated by
11 the Department of Labor and Industry and in effect at 16VAC25-220, or any permanent regulation
12 intended to succeed such regulation, that a worksite cluster has occurred at a workplace with 50 or more
13 employees, the Department shall make available to the public, on a website maintained by the Department,
14 a report consisting of (i) the name of the employer at which a worksite cluster has been reported and (ii)
15 the number of confirmed cases of COVID-19 reported by such employer, provided that the release of such
16 information does not violate the provisions of § 32.1-41 of the Code of Virginia. No other information
17 shall be included in such report, except that when the previously reported outbreak is deemed to be under
18 control, the Department shall promptly update the report to so indicate. An outbreak shall be deemed to
19 be under control when at least seven days have elapsed from the date of the last positive test result
20 indicating a case of COVID-19 that has a likely epidemiological link to the worksite cluster.

21 For the purposes of this act, "employer" has the same meaning as defined in § 40.1-2 of the Code
22 of Virginia; "worksite cluster" means five or more cases with illness onset or initial positive results within
23 a 14-day period and a likely epidemiologic linkage between cases; and "likely epidemiologic linkage"
24 means (a) verification by the Department that the confirmed cases were in close proximity in the same
25 worksite setting for a sufficient time period, (b) that the timing of contact fits with likely timing of

26 exposure, and (c) that it is more likely than not that the worksite was the source of exposure for identified
27 cases.

28 **2. That the provisions of this act shall expire upon expiration of the Governor's declared state of**
29 **emergency in response to the continued spread of the SARS-CoV-2 novel coronavirus, or COVID-**
30 **19.**

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